

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
1:07cv313-RJC-DCK

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| CHARLES WILLIAM JOHNSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| BOYD BENNETT, Director, NC |) | |
| Department of Correction, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER is before the Court on motions for summary judgment by the plaintiff (Doc. No. 14), defendants Bennett and Mitchell (Doc. No. 10), and defendant Robert Uhren (Doc. No. 22), and the Magistrate Judge’s Memorandum and Recommendation (“M&R”) (Doc. No. 36). The matter is ripe for determination.

I. BACKGROUND

No party has objected to the Magistrate Judge’s statement of the factual and procedural background of this case, and the Court thus adopts the facts as set forth in the M&R.

II. STANDARD OF REVIEW

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Similarly, de novo review is not

required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the Magistrate Judge’s M&R.

III. DISCUSSION

After a careful review of the record in this case, the Court finds that the Magistrate Judge’s recommendation is consistent with and supported by the law. Thus, the Court hereby adopts the M&R of the Magistrate Judge as the final decision of this Court for all purposes in this case, and this matter will be dismissed for failure to prosecute.

IV. CONCLUSION

IT IS, THEREFORE, ORDERED that the plaintiff’s complaint is **DISMISSED**.

The Clerk of Court is directed to close this matter.

Signed: October 27, 2010



Robert J. Conrad, Jr.
Chief United States District Judge
